

HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.2649 of 2007

-
Date: September 10, 2007

Between:

Lingala Papayya.

... Petitioner.

And

1. The Mandal Revenue Officer,
G.Sigadam Mandal,
Srikakulam District and another.
Respondents.

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* * *

ORDER:

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Heard the counsel.

2. This Court issued *rule nisi* on 13.2.2007. The writ petition is filed for a writ of *Mandamus* declaring the proceedings Rc.No.197/06B, dated 06.01.2007, of the first respondent, as illegal, arbitrary, unjustified, unsustainable, without jurisdiction, contrary to law and violative of principles of natural justice and set aside the same and consequently direct the respondents to continue the petitioner as F.P. Shop dealer of Tankala Duggivalasa village, G.Sigadam Mandal, Srikakulam District and pass such other suitable orders.

3. The order made in Rc.No.197/06B, dated 06.01.2007 by the first respondent reads as hereunder.

“The villagers and M.P.T.C. member made certain allegations against Sri Lingala Papayya, F.P. Shop dealer of T.D.Valasa. The Deputy Tahsildar, Civil Supplies Ponduru submitted report to the District Collector alleging that the food for work rice worth of Rs.1,50,000/- with regard to work of Pedda Cheruvu was

misappropriated and distributed the commodities under weighing and diverting the stock to black market. Basing on the report, the District Collector in the reference 1st cited directed to take disciplinary action. As per the directions and as per the order in the reference 3rd cited, the authorization of Sri Lingala Papayya, F.P. Shop dealer T.D.Valasa has been suspended temporarily until further orders. The Deputy Tahsildar, Ponduru, is appointed as enquiry officer to conduct enquiry and to submit report.”

It is stated that the said order cannot be sustained. It is also stated that an appeal already had been filed before the second respondent. It is also further stated that a stay petition was filed along with the appeal and the said petition was rejected.

4. In view of the facts and circumstances, the second respondent is directed to dispose of the appeal itself within a period of four weeks from the date of receipt of this order and it is also made clear that the first respondent also is at liberty to complete the enquiry within a period of four weeks from the date of receipt of this order.

5. With the above directions, the writ petition is disposed of. No order as to costs.

(P.S.NARAYANA, J.)

Date: September 10, 2007

Note:

Issue C.C. by one week.

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BSB